1942. File No. T.S. Bij (~~Nagral~~)/42

Examined

K

Legal DEPARTMENT

E. BRANCH

P.36(E)
1942

Subject:—

Receipt for building grant paid for the District Local Board Jamnada to Shri Shiddeshwar High school Boys' School, Nagral, District Bijapur.

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No. S.42(d)181-D
Poona, 27th January, 1942.

From

The Director of Public Instruction, Poona.

To

The Remembrancer of Legal Affairs, Bombay.

Subject:- Receipt for building grant paid for the District Local Board Kannada Boys' School, Nagral, District Bijapur.

Sir,

I have the honour to forward herewith, for record, copy of the Receipt dated 20th December, 1941, for the building grant of Rs. 388 paid for the District Local Board Kannada Boys' school at Nagral, District Bijapur.

I have the honour to be,
S i r,
Your most obedient servant,

Director of Public Instruction.

THE SOLICITOR TO GOVERNMENT
IN LEGAL DEPARTMENT
File No. 179
Sub No.
Branch 29/1
BOMBAY

Submitted for information
Dir of Pub Inst/42

Receipt.

We, Sardar Rao Bahadur Shivalingrao Jagadevrao Deshmukh, President, and Mr. Shankargouda Timmangouda Patil, and - Mr. Rajaksaheb Rasulsaheb Toli two members of the District Local Board, Bijapur, hereby acknowledge that on the - Seventeenth day of January, 1941, the sum of Rupees three - hundred and eighty-eight (Rs.388/-) only was paid to the - District Local Board, Bijapur, by the Government of Bombay as a further building grant on account of special repairs carried out to the District Local Board Kannada Boys' school at Nagral, Petha Bilgi in the Bagalkot Taluka of the Bijapur District and we hereby certify that the said amount of - Rupees three hundred and eighty-eight (Rs.388/-) only has been received by us as a grant-in-aid given subject to all the conditions mentioned in the indenture between the said District Local Board and the Secretary of State for India in Council, dated the 5th day of October, 1896.

Sd. S.J. Deshmukh

President,
District Local Board, Bijapur.

1. Sd.

2. Sd.

Members.
District Local Board, Bijapur.

Witnesses to signature.

Sd. P.R. Kalkarni

1. Chief Officer,
District Local Board, Bijapur.

Sd. K.R. Bidarkundi

2. Head Clerk,
District Local Board, Bijapur.

Dated 20th December 41.

Common seal

Registered Post.

No. S-42(d)-547-D.
Poona, 14th February,1942.

From

The Director of Public Instruction,
Province of Bombay, Poona.

To

The Solicitor to the Government of Bombay,
Legal Department, Secretariat, Bombay.

Subject:- Building grant.-
District Local Board, Bijapur.

Title of the - - - to the site of the Kannad Boys' School at Kakhandki in the Bijapur Taluka.

Sir,

I have the honour to enclose the papers mentioned in the margin, in support of the title of the District Local Board, Bijapur, to the site of its Kannad Boys' school at Kakhandki in the Bijapur Taluka and to request that you will be so good as to let me know whether the title of the District Local Board, Bijapur, to the site of the school in question is good

(1) Gift-deed (in original) of 12th February,1937, and its English translation,
a n d
(2) Site - plan.

THE SOLICITOR TO GOVERNMENT
IN LEGAL DEPARTMENT
FILE No. 321/42
SUBJECT
BOMBAY

good and in order for the purposes of a grant-in-aid.

2/- The favour of an early reply is requested.

I have the honour to be,
Sir,
Your most obedient servant,

G.N. Ayer

for Director of Public Instruction.

SRK.12/2.

7 9

No. 1673
Legal Department.
Bombay Castle, 23rd February 1942.

From

Chimanlal C.Shah, Esquire, M.A.,LL.B.,
Solicitor to the Government of Bombay;

To

The Director of Public Instruction,
Poona.

Subject.-Building grant.-
District Local Board,Bijapur.
Title of the - to the site of
the Kannad Boys' school at
Kakhandki in Bijapur taluka.

Sir,

With reference to your letter No.S-42(d)-547-D, dated the 14th February 1942, on the subject noted above, I have the honour to state that the title of the District Local Board, Bijapur, to the school site in question is good and in order for the purpose of a grant-in-aid.

2. The gift deed in original is returned herewith.

I have the honour to be,
Sir,
Your most obedient servant,

issued
P.V.
2/2/42

for OC BVD 24/2
Solicitor to Government.
KR 24/2

9 14

No. S-42(c)-173-C

Poona, 3rd August, 1942.

From

THE SOLICITOR TO GOVERNMENT
IN LEGAL DEPARTMENT
File No. 1405
Sub No. 4/8/42
Branch BOMBAY

To

The Director of Public Instruction,
Poona.

The Solicitor to Government,
Bombay.

Sir,

Subject:- Building grant.
Shri Siddheshwar High School, Bijapur.

I have the honour to say that a sum of Rs. 1337-8-0 was paid to the New English School (now Shri Siddheshwar High School), Bijapur, in order to cover the P.W.D. review charges as the Management was unable to meet the charge from their own funds (vide G.R., E.D., no.4157 of 1st February, 1928). An indemnity bond was taken from the Management for the above amount. In para. 3 of the above G.R. Government directed that if at a future dat a building grant was sanctioned to the school, the grant sanctioned for review charges x would be deducted from that amount. A building grant of Rs. 18,000/- is admissible to the school, but it was possible to make a part payment of the grant last year. In addition to the amount of Rs. 1337-8-0 paid in advance in 1928, an amount of Rs. 1585/- was paid last year, i.e. a total amount of Rs.

GR 4/8

Ver. further.

Rs. 2922-8-0 has been paid to the school from out of its admissible claim of Rs. 18,000/-. The question of payment of the remaining amount viz. Rs. 15077/- (Rs. 18000 - 2923 15077) will be considered when funds permit. The Educational Inspector has submitted a draft trust deed in connection with the building grant already paid to the school in accordance with Rules 87 and 88 of the Grant-in-Aid Code. I attach a copy of the draft trust deed and request that you will be so good as to let me know whether it is in order.

Your obedient servant,

for Director of Public Instruction.

mmpl

No. 6473

Legal Department.
Bombay Castle, 10th August 1942.

From

The Solicitor to Government,
Legal Department.

To

The Director of Public Instruction,
Poona.

Subject:- Building grant.
Shri Siddheshwar High School,
Bijapur.

Sir,

With reference to your letter No.S.42(C)-17 173-C dated the 3rd August 1942, on the subject noted above, I have the honour to request that in order to scrutinize the draft trust deed the following papers may be forwarded for perusal:-

(1) A copy of Government Resolution, Educational Department No. 4155 dated the 1st February 1928.

(2) A copy of the indemnity bond given by the managers of the school in respect of Rs.1337-8-0 paid to them.

(3) A copy of the Rules and Regulations of the Association.

You are also requested to state whether the Association has applied for Rs. 18,000 as grant-in-aid and whether the formal sanction of the Government has been obtained thereto.

Your obedient servant,

Solicitor to Government.

Submitted after issue

File in file T.D. Bijapur 1/42

No. S-42(c)-173-C.
Poona, 13 October, 1942.

From

The Director of Public Instruction,
Poona.

To

The Solicitor to Government,
Legal Department, Bombay.

Subject:- Building grant.
Shri Siddheshwar High School, Bijapur.

Sir,

With reference to your letter (No. 6473) of 10th August, 1942, on the subject mentioned above, I have the honour to enclose the following papers :-

(1) A copy of G.R.,E.D., No. 4157 dated 1st February, 1928.

(2) A copy of the indemnity bond given by the managers of the school in respect of Rs.1337-8-0 paid to them;

and

(3) A copy of the Rules and Regulations of the Association.

THE SOLICITOR TO GOVERNMENT
IN LEGAL DEPARTMENT
File No. 1906
Sub No. 14/X
Branch
BOMBAY

2/- The claims of Secondary schools for a building grant are met from the provision placed at my disposal by Government from year to year. The building grant admissible

to

to a school on its expenditure certified by the Public Works Department is assessed by this office in accordance with the building grant rules embodies in the Grant-in-aid Code. The sanction of Government for the payment of a building grant in each case is not necessary unless any irregularity on the part of the management in respect of the building grant rules requires to be condoned by Government or unless an exception has to be made to the ordinary building grant rules. As stated in this office No. S-42(c)-173-C of 3rd August, 1942, an amount of Rs. 2922-8-0 has already been paid to the school from out of its admissible claim of Rs.18,000/-. The claim of the school for the remaining amount will be considered if and when funds permit.

Your obedient servant,

for Director of Public Instruction.

BSD 6/10

15-19

Building Grant.

New English School, Bijapur.

Remission of review charges in respect of plans and estimats, of,

Government of Bombay,
Educational Department.
Resolution No. 4157,
Bombay Castle, 1st February 1928.

Letter from the Director of Public Instruction No.S-42(c)-14-C dated the 13th April 1927:-

"I have the honour to forward copies of the correspondence noted in the margin and to state that the Honorary Secretary of the Lingayat Education Association, Bijapur, applied to me on 18th August 1925, for a building grant towards the building which his Association was building for the New English School, Bijapur. The building was commenced before the preliminaries required by the Grant-in-aid Code were completed. The plan and estimated were not approved beforehand by either the Educational or the Public Works Department Authorities. As the preliminaries required under the Grant-in-aid Code were not gone through before construction was taken in hand, the Public Works Department officers have not supervised the work during the construction. The Honorary Secretary of the Society has, in his letter No. 286 of 18th December, 1925 (copy attached), explained the reasons which prevented the Society from completing the preliminaries before the commencement of the work.

(1) Letter No. 168 from the Honorary Secretary, Lingayat Education Association dated 18th August, 1926, to the Director of Public Instruction.
(2) Letter No.286 from the Honorary Secretary, Lingayat Education Association dated 18th December, 1925 to the Director of Public Instruction.
(3) Letter from the Superintending Engineer, Southern Circle, No.Bj-10 of 22nd March, 1926.

2/- "The plans and estimates, the latter amounting to Rs. 1,07,000/-, have now been approved by the Sanitary Engineer. The Superintending Engineer, Southern ~~Office~~ Circle, has also approved the plans subject to the remarks made by him in his letter No. Bj-10 of 22nd March, 1926 (copy attached). The Honorary Secretary of the Society has agreed to carry out the suggestions of the Superintending Engineer and to adopt for the front elevation the design suggested by the Executive Engineer, Bijapur. I recommend that Government be pleased to condone the irregularities in this case and to sanction the payment of a building grant to the Lingayat Education Association for the building.

3/- "It will be seen from the details supplied in the Secretary's letter dated 16th December, 1925, that the maximum number for whom accommodation is provided in the building is 432 (72 in standards VI and VII and 366 in standards I to V). The grant due to the school on the capitation basis will be as under:-

72 X 150 = 10800 X 1/4 = 2,700
360 X 100 = 36000 X 1/4 = 9,000
11,700

The total grant admissible will thus come to Rs. 11,700/-

4/- "I request a reference to paragraph 3 of this office No.S.42(c)-14-C of 3rd March, 1927 from which it will be seen that the school has received a grant of Rs. 10,000/- from the Recruiting Fund.

5/-

5/- "If Government sanction the payment of a grant in this case, the grant due on the basis of prescribed rates of maximum cost referred to in paragraph 3 above will be paid to the School when the title question is decided by the Remembrancer of Legal Affairs and when funds permit."

Government Memorandum No. 4157-F, dated the 3rd August, 1927

"The undersigned presents compliments to the Director of Public Instruction, and with reference to his letter No. S-42(c)-14-C, dated the 13th April, 1927, forwarding an application from the Honorary Secretary of the Lingayat Education Association for a building grant to the New English School, Bijapur, is directed to inform him that in view of the heavy commitments of Government in respect of building grants, Government are unable to sanction the Association's request for a building grant to their school. The Director is requested to inform the Honorary Secretary of the Association accordingly.

2/- "The plans and estimates received with the Director of Public Instruction's letter are returned herewith."

Letter from the Director of Public Instruction No. S-42(c)-14-C, dated the 5th September, 1927:-

"I have the honour to forward copies of the correspondence noted in the margin and to state that the Chairman, the Lingayat Education Association, Bijapur, commenced the building for the New English School at Bijapur in the circumstances explained in this office No. S.42(c)-14-C of 13th April, 1927, and requested a building grant for the purpose.

Letter dated 1st February, 1927, from the Chairman, Lingayat Education Association, Bijapur, received through the Superintending Engineer, Southern Circle.
This office No.S.42(c)-14-C of 4th March, 1927.
No. 548 of 23rd March, 1927, from the Chairman, Lingayat Education Association, Bijapur, with the endorsements of the Executive Engineer, Bijapur, and the Superintending Engineer, Southern Circle.
No. B.M. 10 of 7th June, 1927, from the Executive Engineer, Belgaum.
This office No. S.42(c)-14-C of 14th June, 1927.
This office No. S.42(c)-14-C of 8th July, 1927.
Letter No.241 of 18th July, 1927, from the Chairman, Lingayat Education Association, Bijapur.

2/- "The Executive Engineer, Bijapur(now Belgaum) by whom the plans and estimates were reviewed, preferred a claim for review charges amounting to Rs. 1,337-8-0 and the Chairman, of the Association was requested to pay the charges as early as possible. It will however be seen from the attached correspondence that the Chairman of the Association is not in a position to pay the charges at once and requests the office to postpone the payment till the building grant is sanctioned.

3/- "As the plans and estimates were submitted to the Superintending Engineer for review under the Grant-in-aid Code only with the object of claiming a grant and in view of the fact that Government have not been able to sanction a building grant (vide Government Memorandum, Educational Department, No. 4157-F of 3rd August, 1927). I recommend that Government be pleased to exempt the Chairman, Lingayat Education Association from the payment of the review charges of Rs.1,337-8-0 as a special case."

Government -

Government Memorandum No. 4157-6335-F, dated 4th October, 1927:-

"The undersigned presents compliments to the Director of Public Instruction and with reference to his letter No. S-42(c)-14-C, dated the 5th September 1927, recommending that the Chairman, Lingayat Education Association, Bijapur may be exempted, as a special case, from payment of the review charges of Rs. 1,337-8-0 claimed by the Public Works Department, is directed to request that he will be so good as to point out at an early date a source of reappropriation under "31-Education" for meeting the charge in question".

Letter from the Director of Public Instruction No. S-42(c)-14-C, dated the 22nd October 1927:-

"With reference to Government Memorandum, Educational Department, No. 4157/6335-F of 4th October, 1927, regarding remission of review charges in respect of plans and estimates of the New English School, Bijapur, I have the honour to state that the amount of Rs., 1,337-8-0 claimed by the Public Works Department can be met from the allotment of Rs. 6,24,665 on account of 'Pay of Establishment' under 31-Education-E-Inspection-Transferred'.

Resolution - - - Government are pleased to sanction as a special case, a grant of Rs. 1,337-8-0 to the Lingayat Education Association on account of the review charges.

2/- The charge should be met from the provision of Rs. 6,24,665 made in the current year's budget on account of 'Pay of Establishment' under '31-E-Education-Inspection-Transferred'.

3/- The Association should be informed that if a building grant is sanctioned to it later in respect of the New English School, it will be reduced by the amount now sanctioned.

By order of the Government of Bombay,
(Transferred Department),

Sd/- V. V. Nadakarni,

for Offg. Under Secretary to Government,

To

The Director of Public Instruction, etc.

19 23

Ten Rupees.

Indemnity Bond.

Know all men by these presents that the Bijapur Lingayat Educational Association, an association registered under the Societies Registration Act, 1860 (XXI of 1860), and having its registered office at Bijapur (New Bazar) (hereinafter referred to as "the Association", which expression shall, unless excluded by or repugnant to the context, include its successors and assigns) is held and firmly bound to the Secretary of State for India in Council (hereinafter referred to as "the Secretary of State") in the sum of Rs.1337-8-0.

Dated 27th day of January, 1930.

Whereas the Association applied to the Government of Bombay on 18th August, 1925, for a building grant in respect of the New English school, (now Shree Shiddheshwar High School), Bijapur, and whereas the Government of Bombay in para. 3 of G.R.,E.D., No. 4157 dated the 1st February, 1928, only sanctioned a sum of rupees one thousand three hundred and thirty-seven and annas eight only (Rs.1,337-8-0) towards the cost of review charges required to be paid by the Association to the Public Works Department of the Government of Bombay for reviewing the plans and estimates of the school building and whereas the Government of Bombay have refused to sanction any building grant for the present.

So

So the condition of this bond is such that if the Association shall at all times agree to receive any future building grant that may be sanctioned to the Association by the Secretary of State hereafter, in respect of the said New English School, Bijapur, reduced by an amount equal to the said amount of rupees one thousand three hundred and thirty-seven, annas eight (Rs.1337-8-0) in respect of the review charges, then the bond shall be void, otherwise it shall remain in full force and virtue.

Sd/- B.D. Talikot, B.A.,LL.B.,

Signature of Honorary Secretary.

21

Rules of the Bijapur Dist. Lingayat Educationx Assôciation. Bijapur. (2-9-1942).

(1). The Association Shall be named " Bijapur Lingayat Education Association".

(2). The objects of the Association are:-

(a). Education of the Lingayats in general technical commercial, Agricultural and such other subjects by founding scholarships Lodging and Boarding houses , schools , workshops or by such other means as may be resolved upon from time to time by the Association,

(b). Promotion of religious , Social Sanitary, Agricultural , or other scientific or General literature by awarding prizes or scholarships or by founding Libraries, Magazines, or News xa papers or by organizing lectures or by such other means as may be resolved upon from time to time by the Association.

(3). Funds may be collected for the Association by following means. (a). Donations. (b). Subscriptions, (c). Dharamadev.

(4). The members of the Association shall be Lingayats and there shall be following three classes among them. :-

(a). Honorary Members:- Those who on account of conspicious services rendered by them to the Association or on account of high esteem and respect in which they are held by the Association recognised as such members by a Resolution of the General Body of the Association.

(b). Patrons.:- Those that have contributed to the funds of the Association sums of not less than Rs 1,000/-

(c). Life members:- Those that have contributed to the funds of the Association sums of not less than Rs 100/- .

(d). Ordinary members:- Those that contribute to the Funds of the Association Dharamadev Annually of not less than Rs 20/- and those that give Annual Subscription of not less than Rs 10/-

(5). All those who are recognised as members of the Association under rule 4 of the association shall form the General Committee .

(6). The affairs of the Association shall be conducted by a Managing committee whose proceedings , , action, and resolutions are subject to the control and supervision of the General committee

(7). The Mamagingg Committee shall consists of not more than seven members chosen from among the members of the Association who shallbe elected in the annual general meeting and shall hold office for one year or until a fresh managing Committee is appointed in its place by the General Committee .

(8). The general Committee may appoint besides the Managing . Comm-ittee Local Sub-committees consisting of not more than 7 members wherever and whenever necessary to transact, perform or supervise the affairs of the Association as assigned to them which sub committees shall, in all what they transact, perform or resolve upon, be under the supervision and guidance of the M.C.

(9). The president shall:-

(a). Preside over the General or Special General Committee meetings .

(b). Call special or General Committee meetings of the Association whenever necessary.

(c). Carry out and give effect to the Resolution arrived at by the Gen general Committee of the Association on manner specified by it and generally watch over the financial executive functions of the Associations.

(10). The Chairman shall preside over the Managing committee and carry out the resolutions of the said committee and also exercise such of the powers and perform such of the duties as the president or the General Committee of the association from time to time depute to him.

P.T.O.

2-9-42.

23 [illegible] 25

(11). If the president or chairman be absent in any of the General or Managing committees respectively the members present may elect from among themselves a person who shall then preside over that meeting.

(12). All the money received for the association shall be sent to the president of the association who shall pass the necessary receipts for the same and shall be kept or invested by him with the treasurer or any bank as may be resolved upon by the M.C.

(13). The President shall not keepwith himself more than Rs.5oo/- and the chairman not more than Rs.2oo/ for currentexpemditure at any one time and sums recieved over and above this shall be kept invested by the President with the treasure or Banks as may be resolved upon by the Managing Committee..

(14). Local Sub-committees shall be guided in the conduce of their meetings meeting method of work and etc., according to the special bye-laws from time to time framed for them by the association; and they aught in all what they do be solely guided by and act according to such bye-laws, provided they are framed according to the sprit and intention of the rules of the association .

(15). The managing committee,

(a) Shall have the management of the funds and property of the association and shall exercise and perform all the powers and duties of the association according to the rules and bye-laws from time to time framed there for giving effect to the resolution and works undertaken by the association .

(b) May appoint fine or dismiss servants employed by it for doing the work of the association..

(c). Shall have the power to manage and to make arrangement and disposition of all the property of the association and keep insafe and proper investments or custody,

(d). Shall have the power to perform any otherduties and functions delegated to it from time to time by the general committee..

(16). All the acts and resolutions of the managing committee shall be subject to appeal to the veneral committee, provided the appeal is made within six month of the passing of the resolution.

(17). The general committee shall ordinally meet once in every year in the month of December or January at a place and time notified by the President, when it shall pass the buget for the ensuing year, submitted to it by managing committee., pass the report of the preciouss year elect a fresh managing committee or sub-committees and other respective offiice as mentioned in rule 9 or according to the bye-laws framed under rule 15 and do all other businesses laid before it for sisposal by the President of the association and discuss any other proposition with the consent of the majority of the members Present..

(18). Special general committee may be summoned whenever necessary by a notice issued by the president on his own motion or by a requisition in writing signed by not less than ten members, stating the proposition to be placed before the general committee.

(19). The President on his own motion may or on receipt of a requisition in writing signed by not less than ten members shall stay proceedings or resolution arrived at by the managing committee or other subcommittees and such a stay shall by effective until the said proceedings or resolutions by laid before the general or special committee duly called and resolution arrived at there in , and such notice for the said committee shall by issued within one month of such stay..

(2o). There shall by given at least fifteen days clear notice to the members for conveying a general or a special committee and such notice shall be accompanied with a list of subjects or resolution to be submitted to the said committee..

(21). 15members shall form a Quorum in a general or a special committee while three shall form a Quorum in the managing committee..

(22). If there be no Quorum in a general committee meeting, it shall be adjourned to a next date when it shall peoceed with the work before it, provied there be not less than ten members at such adjourned Meeting..

P.T.O.

2-9-42.

25 71.45

(23). If there be no Quorum in the managing committee on the day appointed for the meeting, it shall be adjourned to a next date, when the member or members present shall proceed with the work before the committee.

(24). Votes may be taken by circulation of the proposition among the members in the managing committee.

(25). If a place in the managing committee or any post of an offices bearer pertaining there to falls vacant by death resignation or for any other cause the members shall fill the place or post by electing any other member of the association on his place, who shall thereafter hold the office for the unexpired portion of the time for which the predecessor had been elected for the same.

(26). If the monthly subscription of a member remain in arrears for three months and the annual subscription for one year he shall cease to be a member of the association.

(27). If a member of the managing committee fails to be present in six consequitive meetings he shall cease to be a member and the managing committee shall then proceed to elect another member in his place according to 26.

(28). No resolution of a general committee shall be altered, modified or changed by a succeeding general committee unless a period of six months has elapsed after the passing of the first resolution and unless threefourths of the members present at the next meeting are for it.

(29). The funds of the association shall always be invested in any registerd Bank or in land, house or such other safe investments.

(30). All donations given to the association of Rs.100/- will generally form the permanent funds of the association which shall be invested in proper securities and shall not in any case be spent except the interest or profit accruing there-from without the sanction of the general committee while other donations, subscriptions, Pharmadav and such other incomes of a recurring nature may be expended without being added to the permanent funds of the associations the managing committee thinks fit unless the general committee resolves otherwise.

(31). All records, correspondence, accountbooks, minute-books of the assocoation shall be open to inspection by any member of the association.

(32) The associationx may accept any donation from any person or start any special funds for undertaking any of the objects mentioned in rules for due management and it shall not afterwards be empowered in any way to utilize the proceeds of such fund for any other purpose, but for that for which it is accepted or raised without the consent of threefourths of the members of the association.

(33) The association may affilicate with itself any other association whose objects are similar to its own, provided the members of that association are willing to recognize and submit themselves to the rules and bye-laws of the association.

(34). The association may add, modify or alter the rules of the association and may also frame the necessary bye-laws and etc,. for the guidance of the managing general and the sub-committee regarding procedure method of work, their inter relation and rules of the association.

True Copy.

Head Master,
S.S.H.S. Bijapur.
2-9-1942.

THIS indenture made the day One Thousand Nine Hundred and forty-two between the District Lingayat Educational Association, Bijapur, a Society registered under the Societies Registration Act 1860 (XXI of 1860) and having its registered office at Bijapur, District Bijapur, (hereinafter called the "Association", which expression shall, unless excluded by or repugnant to the context, be deemed to include its successors and assigns) of the one part and the Governor of Bombay (hereinafter called "The Government" which expression shall unless the context does not so admit, include his successors in office and assigns) of the other part.

WHEREAS the Association had applied to the Governmen in the year 1928 for a grant-in-aid in respect of a building for the Boys' High School at Bijapur known as the Shri Siddeshwar High School, Bijapur.

AND WHEREAS the rules ~~therein~~ then in force under in the Province of Bombay for regulating the application of grants made by the Government of Bombay in aid of schools it was provided that the plan and estimate in respect of the building should be approved by an officer of the Governmemt and that certificate of such approval should be.furnished to Governmemt;

AND WHEREAS the school building in respect of which the grant-in-aid was applied was completed without obtaining the approval of the officer of Governmemt to the plan and estimates thereof;

AND WHEREAS the plans and estimates in respect of the said building were reviewed by the then Ex.Engineer, Bijapur and approved on behalf of the Educational Department;

AND WHEREAS the Association is liable to pay to Government the review charges ~~amount~~ amounting to Rs.1,337-8-0;

AND WHEREAS the Association was not in a position

to pay the said charges at once and requested the Government to postpone the payment till the building grant-in-aid is sanctioned;

AND WHEREAS the Government by its resolution in the Educational Department, No.4157, dated the 1st February 1928 was pleased to sanction as a special case a grant of Rs.1,337-8-0 to the Association on account of review charges on condition that if a building grant-in-aid is sanctioned by Government later on in respect of the said school building the Government will be entitled to reduce the amount of such building of grant-in-aid by an amount of Rs.1,337-8-0 paid by the said Government Resolution.

AND WHEREAS the Association has agreed to the said condition and has executed an indemnity bond to that effect on the 27th January 1930;

AND WHEREAS by the rules in force in the Province of Bombay for regulating the application of grants by the Government in aid of schools it is provided (inter alia) that no portion of the building grant shall be paid to the managers of a school unless and until they execute or agree to execute a trust deed as in the said rules provided, and whereas the Government has sanctioned a building grant of Rs.2922-8-0 (Rupees Two thousand nine hundred and twenty-two and annas eight only) in consideration of the Association executing to the Government such conveyance and assurance as is hereinafter contained which the Association has agreed to do and which grant has been paid to the Association after deducting Rs.1,337-8-0 payable by the Association to Government in respect of review charges as described above and payment of which the Association hereby acknowledges.

NOW THIS INDENTURE WITNESSETH that in consideration of the sum of Rs.2922-8-0 only paid as aforesaid by the Government to the Association, the Association doth hereby grant, convey and assign unto the Government all ~~the~~ and singular the land described in the Schedule hereto and the buildings and erections

now standing or which may hereafter be erected thereon and all rights easements and appurtenances whatsoever usually held or occupied therewith or reputed to belong or be appurtenant thereto and all fittings and fixtures being in and belonging to or used or to be used for the said school And all the estate rights title interest claim and demand of the said Association into and upon the said premises TO HOLD the said land chattels and effects and all other premises expressed to be hereby assured unto and to the use of the Government according to the nature and tenure thereof respectively, and the Association doth hereby for itself and its Successors covenant that the Association hath power to grant all the said premises to the Government in manner aforesaid free from incumbrances and that the Association and every other person claiming through or in trust for it will at all times at the cost of the Association execute and do all such assurances and things for the further or better assuring the said premises to the Government as aforesaid as shall be reasonably required AND IT IS HEREBY DECLARED AND AGREED that the Government shall hold the said premises upon the trust and for the intent and purposes following that is to say upon trust to permit the Association to enter upon the said premises for the purposes and on the conditions following namely that the Association for the time being shall :-

(1) Maintain and keep at all times in good and substantial repair and condition all the building now being or which may hereafter be on the said land to the end that the same may be always efficient for use for the purposes of a school;

(2) Pay all rates, charges, assessments and expenses leviable or chargeable in respect of the premises and buildings;

(3) Use all the premises and buildings as and for the purposes of a public school to be devoted wholly to Education and in part to secular education;

(4) Manage and conduct the said school in all respects in accordance with the rules and regulations for the time being in force of the Educational Department of the Government of Bombay;

(5) Keep the said school at all times open to the inspection of the Inspecting Officers of the Educational Department of the Government of Bombay;

(6) Keep at all times the building or buildings already erected or which may hereafter be erected on the said premises (except the building or buildings in respect of which the Executive Engineer Bijapur Division Bijapur has issued a certificate that in his opinion the risk of fire is not sufficiently great as to render insurance desirable and so long as such certificate has not been cancelled by the Executive Engineer in writing) insured in the joint names of the Association and the Government against loss or damage by fire in a sum equal to the cost of such building or buildings including flooring but exclusive of foundation and plinths at the least in some respectable insurance office to be approved by the Government or its agent for the time and regularly pay the premiums which shall become payable in respect of such insurance and whenever there unto required so to do, produce to Government the policy or policies of such insurance and the receipt for the premiums paid thereon in respect of the current year and shall apply all moneys which may be received by virtue of any such policy or policies in rebuilding or re-instating the premises destroyed or damaged.

Provided always and it is hereby declared and agreed that in the event of default being made by the Association in the performance of any of the conditions herein before mentioned, the aggregate amount of the building grant and all future building grants from time to time advanced by Government to the Association shall be repayable to Government. And for the purpose of recovering any monies so due to Government it shall be lawful for the Government to enter upon and take

possession of the said premises and all buildings, fittings and fixtures thereon and to sell and absolutely dispose of the same free from the incumbrances and discharged from the trusts hereof in such manner as the Government in its absolute discretion shall see fit and apply the proceeds of such sale after payment thereout of all costs and expenses attending the same in or towards the recouping or reimbursing to the Government the monies which may as aforesaid have become repayable or due to the Government and pay the surplus, if any, to the Association its successors or assigns or to such other persons whom the Government may consider lawfully entitled thereto.

In witness whereof, the Secretary and the President of the Association for and on behalf of the Association, have set the hands and the common seal of the Association hath been hereunto affixed pursuant to a resolution dated the

194 passed by the Managing Committee of the Association and Esquire, Director of Public Instruction, Province of Bombay, hath set his hand and the seal of his office hereto on behalf of the Governor of Bombay the day and year first above written.

The schedule above referred to.

Description and boundaries of property.

The piece of land herein referred to, is situated at Bijapur in the Bijapur Taluka and in the registration sub-district of.....and is bounded on the North by the Municipal Road, on the South by the Municipal Road, on the East by the Municipal Road and on the West by the private buildings owned by Korawars and Mr.Chatre and the Municipal Road and bears C.T.S.No.9 ward III in the Land records.

Signed Sealed & delivered by

----------President

and----------Secretary

of the Association duly authorised by

a resolution passed at a meeting of

the Managing Committee held on

---

in the presence of

1.

2.

Seal of the Association

Signed sealed and delivered by

----------Esquire,

Director of Public Instruction, Poona,

on behalf of the Governor of Bombay

in the presence of

1.

2.

Official Seal.

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No. 9096

Legal Department.
Bombay Castle, 11th November 1942.

From

B. G. Desai, Esquire, LL.B.,
Solicitor to the Government of Bombay;

To

The Director of Public Instruction,
Poona.

Subject:-Building grant,
Shri Siddheshwar High School, Bijapur.

Sir,

With reference to your letter No.S-42(C)-173-C dated the 13th October 1942 on the subject noted above, I have the honour to state that the preamble of the draft trust deed forwarded for scrutiny under your letter No.S-42(C)-173-C dated the 3rd August 1942 has been revised in view of orders contained in G.R.,E.D.No.4157, dated the 1st February 1928 and a revised draft is appended herewith.

2. There is no rule in the Rules of the Association under which the President and the Secretary have been empowered to execute an instrume on behalf of the Association. They will have to be authorized specifically by a resolution passed by the Managing Committee.

3.--

3. There should be two witnesses to the signature of the executant. The instrument is chargeable with a stamp duty of Rs.15. It should be registered.

Your obedient servant,

Solicitor to Government.

B.

35 Fi

No. S-42(c)173-C.
Poona, 26 November, 1942.

From

The Director of Public Instruction,
Poona.

To

The Solicitor to Government,
Bombay.

Subject:- Building Grant.

Shri Siddheshwar High School,
Bijapur.

Sir,

With reference to your No. 9086 of 11th November, 1942, forwarding a revised draft trust deed in connection with the building grant paid to the Shri Siddheshwar High School, Bijapur, I have the honour to say that usually a reference to the site-plan is made in the body of the trust deed. As the Schedule to be attached to the Trust deed gives the usual particulars of the boundaries etc. of the propoerty it is presumed that a site plan showing the requisite particulars should be attached to the agreement.. If the presumption is correct, it seems necessary to make a reference to the site plan in the body of the Schedule. I request that you will be so good as to advise me on the point and suggest the necessary addition to the

Schedule -

Schedule if you consider that a reference to the site plan is necessary.

2/- The draft trust deed received with your letter under reference is sent herewith for ready reference.

Your obedient servant,

for Director of Public Instruction.

KMT.
24/11.

No. 9608 ✓ 4537

Legal Department.
Bombay Castle, 1st November 1942.

From

B. G. Desai, Esquire, B.A., LL.B.,
Solicitor to the Government of Bombay;

To

The Director of Public ~~Information~~ Instruction,
Poona.

Subject:- Building Grant.

Shri Siddheshwar High School,
Bijapur.

Sir,

With reference to your letter No. S.42(c) 173-C dated the 26th November 1942, on the subject noted above, I have the honour to state that it is advisable for the sake of clearness to annex a site plan to the trust deed. The Schedule of the agreement is accordingly amended. The site plan should be signed by both the executing parties.

The agreement is returned duly amended.

Your obedient servant,

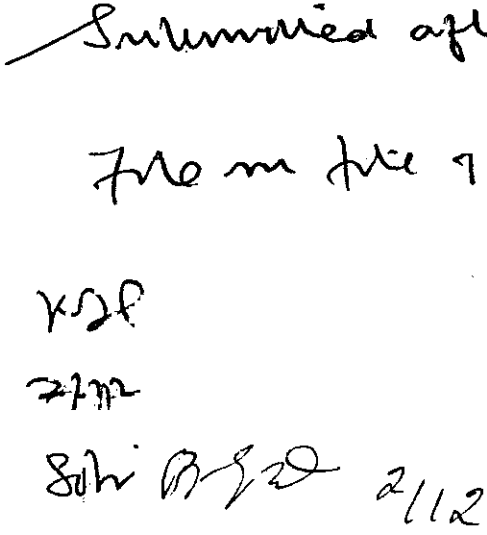
Solicitor to Government.

Encl.

RRK.

Submitted after name

From the D.D Bijapur / 42



Rec'd 15/12

+ 139

No.S-42(d)-510-D.

Poona, 14th December, 1942.

From

The Director of Public Instruction,
Poona.

To

The Solicitor to Government,
Legal Department, Bombay.

Subject:- Receipt for building grant paid for the Kannada Boys' School, Iddalgi, District Bijapur.

Sir,

I have the honour to forward herewith, for record, a copy of the receipt dated the 12th November, 1942, for the building grant of Rs. 139/- paid for the school referred to above.

Your obedient servant,

for Director of Public Instruction.

mmp10

Mr. Patwardhan

SOLICITOR TO GOVT.
LEGAL DEPARTMENT
1826
15/12
BOMBAY

Submitted for information

Xerox file T.D Bijapur

12

HDP

16/12

Sdn BMD

17/12

Receipt.

We, Sardar Rao Bahadur Shivalingarao Jagdeverrao - Deshmukh, President and Mr. Shankargouda Timangouda Patil and Mr. Rajaksaheb Rasulsaheb Teli, two members of the - District Local Board, Bijapur, hereby acknowledge that on a Sixteenth day of February 1942, the sum of Rupees one - hundred and thirty nine (Rs.139/-) only was paid to the - District Local Board, Bijapur by the Government of Bombay as a further Building grant on account of special repairs carried out to the Lingayat Boys' school building at Iddalgi in the Hungund Taluka of the Bijapur District and we hereby certify that the said amount of Rupees one hundred and thirty nine /-(Rs.139/-) only has been received by us as a - grant-in-aid given subject to all the conditions mentioned - in the Indenture between the said District Local Board and the Secretary of State for India in Council, dated the - 16th day of November, 1936.

Sd/- Shankargouda

President, District Local Board, Bijapur.

Witnesses to signatures.

1. Sd- P.R. Kakkadi

Chief Officer, District Local Board, Bijapur.

2. Sd. K.R. Bidarkundi

Head Clerk, District Local Board, Bijapur.

1. Sd. S.S. Patil

2. Sd.(in Marathi) Rajaksaheb Rasulsaheb Teli

Members, District Local Board, Bijapur.

Dated the 12th November 1942